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2000

TOWN OF SHARON

SPECIAL TOWN MEETING

MONDAY, NOVEMBER 13, 2000
8:00 P.M.
MEETING AT SHARON HIGH SCHOOL
ARTHUR E. COLLINS - AUDITORIUM
Sharon High School, Pond Street

PLEASE BRING THIS REPORT TO THE MEETING
Registered voters of Sharon planning to attend this meeting needing an ALS (American Sign Language) interpreter are urged to call the Selectmen's Office – 784-1515

YOU MUST BE A REGISTERED VOTER TO ATTEND THIS MEETING

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OPEN WARRANT MEETING

Monday, November 6, 2000

8:00 P.M.

Sharon Town Offices
Selectmen's Meeting Room
(Upper Level)

INFORMAL DISCUSSION OF SPECIAL ARTICLES

TOWN OF SHARON

FINANCE COMMITTEE INTRODUCTION

Although it has not been the practice of the Finance Committee to provide an introduction in the Warrant of a Special Town Meeting, we feel compelled to express some thoughts about this meeting.

Based upon the large number of articles being presented (27) and the potential impact these articles may have on the lives of the citizens of the Town of Sharon, we are concerned that this meeting may be deviating from the intended purpose of a "Special Town Meeting".

The annual Town Meeting (in May) is the forum where all registered voters have the opportunity - and the civic responsibility - to determine the course of the town by voting the Towns budget, zoning-by-laws, capital spending and other significant matters. The intention of a Special Town Meeting has been to address significant issues (often capital expenditures) that the Town strongly believes cannot wait until the Annual Town Meeting. It has been used to "remedy" issues, but normally it has not been used to present major new issues or projects.

At this Special Town Meeting there are nine articles from the Planning Board that may be classified as issues that need to be remedied - articles previously approved by the Town but are being re-presented due to a procedural mistake related to public notice.

More significantly, there are a number of articles requesting funds for the advancement of large capital projects including:

* The acquisition of large property (Rattlesnake Hill)
* A new Senior Center
* Reuse of the Wilbur School
* A new water standpipe
* A renovation and addition to the Middle School

The combined estimated cost of these projects is over $55 million - which would clearly, in our opinion, put a serious strain on the overall borrowing ability of the Town if all the projects were to move forward simultaneously. The Finance Committee recognizes the merit of each of these projects and has worked extremely hard over the last few months to weigh the importance and need of each of these projects individually and in the context of the Towns ability to service future debt.

Just as importantly, however, the Finance Committee strongly believes that in the future, Special Town Meetings revert to their intended use - as a forum utilized to address significant issues that the Town strongly believes cannot wait until the Annual Town Meeting.

THE FINANCE COMMITTEE

Thomas Gillen, Chairman
Paul Bergeron, Marc Bluestein, Paul Bouton, David Fixler,
David Grasfield, William Heitin, Holly Lite, Paul Pietal,
Daniel Sirkin, Colleen Tuck, Lee Wernick

SPECIAL TOWN MEETING

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

To either Constable of the Town of Sharon, Greeting:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Sharon qualified to vote in elections and Town affairs to meet at the Arthur E. Collins Auditorium at the Sharon High School on Pond Street in said Sharon on Monday, the 13th of November 2000, at 8:00 P.M., and there to act on the following articles:

ARTICLE 1

To see of the Town will vote to raise and appropriate a sum of money to be added to the Conservation Commission Land Acquisition Account so that the Commission may acquire by gift, purchase, or eminent domain, under Massachusetts General Laws, Chapter 79, in the name of the Town the fee and/or a Conservation Restriction on the following parcels of land or portions thereof:

1. The property shown as Block 5 on Sharon Assessors Map 15, containing 21 acres, more or less, situated off Mansfield Street, and more particularly described as Parcel No. 2 in a deed from Roslyn Siegel, individually and as she is executrix of the Estate of David Siegel, to Roslyn Siegel, dated December 16, 1987 and recorded in the Norfolk County Registry of Deeds in Book 7845, at Page 21; and the property shown as Block 2 on Sharon Assessors Map 15, containing 70 acres, more or less, situated off Mansfield Street, and more particularly described as Parcel 3 in the above-referenced deed;

2. The property known as Rattlesnake Hill, shown as Parcel 9-1 on Sharon Assessors Map 35, containing 311 acres, more or less, situated off Mountain Street, and more particularly described in a deed from Subon Co. to The Rattlesnake Corporation, dated August 17, 1994 and recorded in the Norfolk County Registry of Deeds in Book 10631 at Page 147;

   or as the same may be more particularly described, and provided further that if the Town proceeds with a proposed above-ground water storage tank, standpipe and water pressure system, at the following portion of Rattlesnake Hill, such property shall be excluded from such Conservation Commission acquisition:

   The property owned by The Rattlesnake Corporation, shown as Lot 26 on a plan entitled "Plan of Land Mountain Street in Sharon, Mass." dated April 19, 1996, prepared by Youngquist, James & Associates, Inc. and recorded in the Norfolk County Registry of Deeds. Said plan is on file with the Sharon Town Clerk.

And further, to determine whether this appropriation shall be raised by borrowing or otherwise; and to authorize the Conservation Commission and/or the Board of Selectmen to enter into such agreements and execute such documents as may be necessary to accomplish the foregoing.

And further, to determine whether this appropriation shall take effect only if the Town votes at an election held in accordance with G.L. c. 59, § 21C(m) to exempt the debt incurred herein from the provisions of Proposition 2 ½.

Or to take any other action relative thereto.

CONSERVATION COMMISSION

FINANCE COMMITTEE RECOMMENDATION: ↑ 3 0 ?

The Finance Committee will make its recommendation at Town Meeting.

* * * *

usable open space, but shall not include streets or parking areas except those incidental to open space uses. In addition, usable open space shall not include designated yard areas accessory to dwelling units within the FRD.

Designated Open Space - Any usable open space within the FRD designated for use by or for the benefit of the general public. Such open space shall, in the opinion of the Planning Board, provide: (i) wildlife habitat, (ii) recreation opportunities, (iii) protection of natural resources, (iv) preservation of scenery and (v) be configured, when possible, to be contiguous and/or interconnecting with other adjacent open space.

Recreation Use - Land devoted to recreational enjoyment including golf courses, sports fields, swimming facilities, hiking trails, tennis courts, and facilities associated with these uses, including, clubhouses, locker rooms, food service facilities, and banquet facilities.

Age Qualified Residences - Dwelling units intended and operated for occupancy by persons 55 years of age or older, and at least eighty (80%) percent of the occupied units are occupied by at least one person who is 55 years of age or older and with no more than one person who is younger than 55 years of age.

4363. Purpose of FRD - The intent of this Section is to provide for the development of a mixture of uses (including usable open space) on a plot of land which is in total at least 150 acres, and which is determined to be sufficiently advantageous to render it appropriate to grant special permission to depart from the normal requirements of the district in which the land is located. Such advantages include, without limitation, the preservation of open space and the promotion of recreation use of land; diversity and variety in the development pattern of the community; and design and land planning resulting in the economic and efficient street utility and facility installation, construction and maintenance. It is the intent of this Section that the FRD be considered a "planned unit development" as provided in M.G.L. ch. 40A, section 9.

4364. Special Permit - The Planning Board may grant a special permit for the development and construction of a FRD in accordance with this Section and M.G.L., ch. 40A, section 9.

a. Contents of Applications for a FRD Special Permit - The application for a FRD Special Permit shall be accompanied by a "FRD Development Plan." The information contained on the FRD Development Plan shall include but not be limited to: the topography; soil characteristics as shown on the Soil Conservation Service Maps; wetlands as defined by M.G.L. Chapter 131, Section 40 and Article 23 of the Town of Sharon By-law; Flood Plain boundary lines; unique natural and aesthetic resources; the proposed layout of lots; the proposed distribution of the various land uses; proposed locations of dwelling units and nonresidential buildings; dimensions, streets, garages, driveways, wells, utilities, wastewater disposal systems; the proposed finished grades of the land; the proposed vegetation and landscaping including where existing vegetation is retained; proposed features designed for pollution control; the proposed layout and land use plan of the usable open space in the FRD; the proposed form of ownership of the usable open space and any improvements proposed thereon.

b. The FRD Development Plan shall be prepared by a professional land surveyor or professional engineer and landscape architect. A copy of the application shall

simultaneously be filed in the office of the Sharon Town Clerk, and with each board and department set forth in subsection c. of this section 4364.

c. The following Town boards and departments may review (jointly or separately) the application for a FRD Special Permit and the FRD Development Plan and provide the Planning Board with their recommendations prior to the public hearing held by the Planning Board to consider the FRD Special Permit:

(i) Board of Selectmen;
(ii) Conservation Commission;
(iii) Board of Health;
(iv) Department of Public Works;
(v) Board of Appeals;
(vi) Police Department;
(vii) Fire Department; and
(viii) Building Inspector.

If recommendations are not received by the Planning Board prior to commencement of the public hearing, the Planing Board shall presume that the board or department has no recommendation.

d. After the opportunity for review by other board and agencies has taken place, the Planning Board shall hold a public hearing under this section, in conformity with the provisions of G.L. c. 40A, § 9 and the Sharon Zoning By-Laws. The hearing shall be held within 65 days after filing of the application with the Planing Board and the Town Clerk. The required time limits for a public hearing and said action may be extended by written agreement between the applicant and the Planning Board. A copy of such agreement shall be filed in the office of the Town Clerk. Notice of the public hearing shall be given by publication and posting and by first-class mailings to "parties in interest" as defined in G.L. c. 40A, § 1.1. The decision of the Planning Board shall be filed with the Town Clerk within 90 days following the close of the public hearing.

e. Planning Board Action - In evaluating the proposed FRD, the Planning Board shall consider the purpose and objective of a Flexible Recreational Development; the appropriateness of the proposed layout of the lots and the distribution of the proposed land uses; the proposed layout and use of the usable open space in relation to the proposed uses in the FRD, and the topography, soils and other characteristics of the tract of land in question. The Planning Board may grant a special permit for a FRD if it finds that the FRD and the proposed uses:

1. comply with the purpose and intent of a Flexible Recreational Development;

2. are reasonable in relation to the character of the surrounding area and neighborhood; and,

3. comply with the requirements for the issuance of a special permit as enumerated in Sections 6312 and 6313 of these By-Laws.

f. The Planning Board may require changes to the "FRD Development Plan" and impose additional conditions, safeguards and limitations as are reasonably necessary to secure the objectives of these By-Laws.

g. The applicant shall record the approved FRD Special Permit and FRD Development Plan with the Registry of Deeds and furnish the Book and Page number to the Building Inspector prior to receiving a building permit for construction of any of the improvements within the FRD. Every FRD Special Permit shall include a condition that the approved and recorded FRD Development Plan shall have endorsed upon it a statement that no land within the FDR may be further subdivided so as to increase the number of structures within the FRD without an approval by the Planning Board.

h. Any FRD Special Permit granted hereunder shall lapse after the passage of two years from the date of issue unless substantial construction work contemplated thereunder has commenced and is proceeding in good faith to completion. Such two year period shall not include the time required to pursue or await determination of an appeal referred to in G.L. c. 40A, § 17 from the grant of an FRD Special Permit or await determination of and, if applicable, an appeal from any other approval or governmental requirement related to an FRD Special Permit granted hereunder. If substantial construction work under the FRD Special Permit has not yet commenced within the said two year period, the applicant may make a written request to the Planning Board for an extension of an FRD Special Permit prior to the date an FRD Special Permit shall lapse. The Planing Board may grant such a request for an extension if it finds there exists good cause for failure to commence construction.

i. Enforcement of the provisions of an FRD Special permit shall be in accordance with Section 6110 of these By-Laws and G.L. c.40A, § 7.

4365. Density and Parcel Size Requirements

a. The allowable number of dwelling units within a FRD shall:

(i) in the case of single family residences, not exceed one dwelling unit per four (4) acres within the entire tract of land taken as a whole;

(ii) in the case of multiple-family residences (with no more than two bedrooms per dwelling unit) not exceed one dwelling unit per two and one half (2 ½) acres within the entire tract of land taken as a whole;

(iii) in the case of age qualified residences not exceed one dwelling unit per two (2) acres within the entire tract of land taken as a whole.

In the event usable open space includes a golf course the number of dwelling units allowed under subsection (i) above shall be reduced by fifty (50%) percent, the number of dwelling units allowed under subsection (ii) above shall be reduced by thirty three (33%) percent, and the number of dwelling units allowed under subsection (iii) above shall be reduced by twenty five (25%) percent. The types of residences may be combined provided that the land area needed to satisfy the number of dwelling units for one type of

residence shall be excluded from the land area needed to satisfy the number of dwelling units for another type of residence.

b. The allowable number of dwelling units within a FRD may be increased in the event the Applicant proposes Designated Open space as follows:

(i) in the case of single family residences, one dwelling unit per ten (10) acres of Designated Open Space;

(ii) in the case of multiple-family residences, 2 dwelling units per ten (10) acres of Designated Open Space;

(iii) in the case of age qualified residences, 3 dwelling units per ten (10) acres of Designated Open Space.

c. Only parcels having a minimum of one-hundred fifty (150) acres are eligible for a FRD.

d. In all FRDs, at least 35% of the land shall be set aside as usable open space and at least 25% of the land shall be a natural vegetation area. Natural vegetation areas can be groomed and maintained by the Applicant. The same area of land can satisfy both the useable open space and natural vegetation area requirements.

4366. Permitted Uses - The following uses shall be permitted in a FRD:

a. Single family residence;

b. Multiple-family residence;

c. Recreational uses such as golf courses (not exceeding 18 holes), sports fields, swimming facilities, hiking trails, spas; and

d. Uses which are incidental to these recreational uses, including:

1. club house;
2. restaurant;
3. function hall;
4. putting or practice greens;
5. driving ranges;
6. a pro shop;
7. lounge;
8. ancillary buildings which are incidental to the recreational use;
9. the illumination of parking areas and other outdoor areas used at night;
10. wastewater treatment facilities; and
11. any other uses that the Planning Board may approve which are customarily incidental to such recreational use.

4367. Standards for FRDs -

a. Where the requirements and standards of a FRD differ from or conflict with other requirements and standards of these By-Laws, the requirements and standards established for FRDs shall prevail except when made applicable herein and except that a FRD shall comply with the requirements set forth in the Flood Hazard District and Water Resource Protection District. Site Plan Approval under Section 6320 herein shall not apply to an FRD or any uses within a FRD.

b. There shall be no minimum lot area, frontage, open space, floor area ratio, lot width or yard requirements within a FRD or for any lot or building within a FRD except as provided in this section, however a FRD shall comply with the applicable requirements of the Flood Hazard District and Water Resource Protection District. The Planning Board may impose appropriate conditions on the location, layout and size of buildings, structures and open space.

c. Setback Requirements:

1. All structures and facilities within a FRD shall be set back not less than 50 feet from the property line of adjacent lots within a Rural, Suburban or Single Residence District, or from the front lot line where land on the opposite side of a street is located in a Rural, Suburban or Single Residence District. Such set back area, if disturbed, shall include landscaping elements for buffering.

2. The minimum separation of buildings within a FRD shall be 20 feet. The Planning Board may require larger separation of buildings in order to diffuse the bulk of large buildings, or may permit a smaller separation, if it finds that a separation of less than 20 feet will not detract from the purpose and intent of Flexible Recreational Development.

3. The minimum front yard set back to a street or way within the FRD shall be 20 feet. The Planning Board may require a larger front yard setback in order to allow better screening of large buildings.

d. Maximum Lot Coverage. The maximum lot coverage plus impervious surfaces in the FRD shall be forty (40%) percent.

e. Building Height - The maximum height of any building in a FRD shall be 45 feet.

f. Streets, Utilities and Lighting - If the FRD shows a subdivision of land within the meaning of G.L. c. 41, § 81L and the Land Subdivision Rules and Regulations of the Planning Board of the Town of Sharon, then the applicant shall seek approval of a definitive subdivision plan in accordance with the above-reference Land Subdivision Rules and Regulations. If the FRD does not constitute a subdivision of land within the meaning of G.L. c. 41, § 81L and the Land Subdivision Rules and Regulations of the Planning Board of the Town of Sharon, then the Applicant need not seek approval of a definitive subdivision plan, but the Planning Board may require that the streets, ways and drainage facilities of the FRD be designed and constructed so as to provide safe and adequate access, vehicular and pedestrian, to all of the structures and facilities within the FRD, to secure safety in the case of fire, flood, panic and other emergencies, and to reduce danger of life and limb in the operation of motor

vehicles. All utilities within the FRD shall be designed and constructed in compliance with the Land Subdivision Regulations of the Planning Board of the Town of Sharon, as amended. The Planning Board may impose appropriate standards for all outdoor lighting within a FRD.

g. Parking Standards - The number of parking spaces to be provided for a FRD shall be equal to 75 percent of the sum of the number of parking spaces for each use in the FRD, determined separately for each use based upon the standards set forth in Section 3100 et. seq. If a use is not set forth in Section 3100, appropriate information shall be submitted to the Planning Board to support the number of spaces proposed for such use. The parking lot design standards of Section 3100 shall apply. The Planning Board may authorize a decrease in the number of parking spaces required herein and may allow for exceptions to the design standards (including the use of gravel parking areas to accommodate peak demand) provided that such decrease in the number of required parking spaces or exceptions to the design standards are based upon documentation of the nature of a proposed use or mix of uses within a FRD and further provided that such decreases or exceptions are in the public interest and are consistent with the purposes and intent of Flexible Recreational Development.

4368. Revisions and Amendments of "FRD Development Plans" - The FRD shall be constructed in accordance with the terms and conditions of the FRD Special Permit, FRD Development Plan and definitive subdivision plan, where applicable. Any request to materially modify an FRD Special Permit and FRD Development Plan shall require a duly noticed public hearing and notification of all parties in interest, pursuant to G.L. c 40A, § 15.

4369. Ownership and Maintenance of Designated Open Space - The following requirements shall apply to Designated Open Space:

a. Any open space within the FRD designated for use by or for the benefit of the general public ("Designated Open Space") shall be conveyed in one of the following manners, as determined by the Applicant with the approval of the Planning Board:

(i) To the Town for conservation purposes or for active or passive recreational or park uses, as it may be suitable, and subject to acceptance of the land by the Board of Selectmen and/or Conservation Commission, as the case may be; or

(ii) To a non-profit corporation, the principle purpose of which is the preservation of the Designated Open Space, as it is defined herein; or

(iii) To a corporation, trust or association owned or to be owned by the owners of lots or residential units within the FRD, provided that if such a corporation, trust or association hold title, ownership thereof shall pass with the conveyance of the lots. The applicant shall include in the deeds to the owners of individual lots beneficial rights in the Designated Open Space and shall grant a restriction over such land enforceable by the Town of Sharon and recorded with the Registry of Deeds. Said restriction shall insure that the Designated Open Space be kept in a state consistent with the purposes and objectives of this Section and consistent with the FRD Special Permit and FRD Development Plan; or

(iv) To a non-profit corporation (for example: Massachusetts Audubon Society) the principle purpose of which is the preservation of open space.

b. The applicant shall be responsible for the maintenance of the Designated Open Space until such times as the conveyance to one of the three above-described entities is accomplished and is capable of assuming said responsibility. In the event that the Designated Open Space is conveyed to a corporation, trust or association, as described in subsection (iii) above, the developer shall cause to be recorded with the Registry of Deeds a Declaration of Covenants and Restrictions which shall, at a minimum, provide for the following:

(i) Mandatory membership in an established homeowner association as a requirement of ownership of any lot in the FRD;

(ii) Provisions for maintenance assessments of all lots in order to insure that the Designated Open Space is maintained in a condition suitable for the uses as approved in the FRD Special Permit and FRD Development Plan. Failure to pay such assessment shall create a lien on he property assessed, enforceable by either the homeowner association of the owner of any lot within the FRD;

(iii) Provision which, so far as possible under existing law, will insure that the restriction placed on the use of the Designated Open Space will not terminate by operation of law; and

(iv) Provision which gives the Town the right, but not the obligation, to perform maintenance of the Designated Open Space in the event of failure to comply with the maintenance program. If the Town is required to perform any maintenance work, the owners of the lots or units within the FRD shall pay the cost thereof and the cost shall constitute a lien upon their properties until said cost has been paid.

4370. Application Review Fees -

a. When reviewing an application for an FRD, the Planning Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project or because of a project's potential impacts. The Planning Board may require that the applicant pay a "review fee" consisting of the reasonable costs incurred by the Planning Board for the employment of outside consultants engaged by the Board to assist in the review of an application. If the estimated fee exceeds $5,000.00 it shall be collected periodically with the applicant always maintaining at least $5,000.00 in the account referred to in subsection c. below.

b. In hiring outside consultants, the Planning Board may engage engineers, planners, lawyers, urban designers or other appropriate professionals who can assist the Planning Board in analyzing a project to ensure compliance with all relevant laws, ordinances/by-laws and regulations.

c. Funds received by the Planning Board pursuant to this Section shall be deposited with the municipal treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Planning

Board without further appropriation. Expenditures from this special account shall be made only in connection with the review of a specific project or projects for which a review fee has been or will be collected from the Applicant. Failure of an Applicant to pay a review fee shall be grounds for denial of the application/permit.

d. Review fees may only be spent for services rendered in connection with the specific project for which they were collected. Accrued interest may also be spent for this purpose. At the completion of the Planning Board's review of a project, any excess amount in the account, including interest, attributable to a specific project, shall be repaid to the Applicant or the Applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an Applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

e. Any Applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Board shall stand.

4371. Construction Security - To secure performance of the construction of ways and the installation of municipal services required for all structures and facilities within the FRD as shown on the FRD Development Plan the Applicant shall provide security as follows:

a. By a deposit of money or negotiable securities, sufficient in the reasonable opinion of the Planning Board, to secure performance of the construction of ways and the installation of municipal services required for all structures and facilities within the FRD as shown on the FRD Development Plan;

b. By a covenant, executed and duly recorded by the owner of record, running with the land, whereby the construction of ways and the installation of municipal services required for all structures and facilities within the FRD as shown on the FRD Development Plan shall be completed before occupancy of the structures and facilities within the FRD;

c. By delivery to the Planning Board of an agreement executed after the recording of a first mortgage covering the premises shown on the FRD Development Plan or a portion thereof given as security for advances to be made to the Applicant by the lender, which agreement shall be executed by the Applicant and the lender and shall provide for the retention by the lender of funds sufficient in the reasonable opinion of the Planning Board and otherwise due the Applicant, to secure the construction of ways and the installation of municipal services required for all structures and facilities within the FRD as shown on the FRD Development Plan. Said agreement shall also provide for a schedule of disbursements which may be made to the Applicant upon completion of various stages of the work, and shall further provide

that in the event the work is not completed within the time set forth by the Applicant, any funds remaining undisbursed shall be available for completion.

d. In the event a covenant is provided, a note shall be added to the FRD Development Plan as follows: "Plans subject to covenants, conditions and all restrictions set forth in a covenant(s) dated (blank) to be recorded herewith."

e. Any one or combination of the methods of security set forth above my be used and from time to time varied by the Applicant.

Or to take any other action relative thereto.

PLANNING BOARD

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee will make its recommendation at Town Meeting.

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ARTICLE 3

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the Board of Selectmen and to authorize the Board of Selectmen to engage architects and/or consultants for the purposes of preparing feasibility studies for the renovation, alteration, rehabilitation, demolition or remodeling of the existing structures and the possible erection on the premises of a new building or buildings for the following site and uses and to prepare application(s) for grant funds therefor:

(a) A feasibility study and design services which design services would include, without limitation, design plans and specifications, to include contract documents and estimates of probable construction costs for the use of the Sacred Heart site, which is identified below, as a senior center, and

(b) A feasibility study of the use of the Sacred Heart site for recreational purposes, including without limitation, offices thereon.

The Sacred Heart site consists of the following parcel of land and buildings thereon:

Said property consists of 2.2 acres, more or less and was acquired by the Town by deed of the Order of the Brothers of the Sacred Heart of New England, Inc. dated December 26, 1974, and recorded at the Norfolk County Registry of Deeds, as authorized by vote of the Special Town Meeting of April 22, 1974.

The above studies shall evaluate the use of the site for both recreational and senior center purposes.

Said feasibility studies shall be undertaken in accordance with the "Guidelines for Feasibility Studies" adopted by the Sharon Standing Building Committee, as the same may be from time to time amended.

And further, to see if the Town will vote to transfer from the Board of Selectmen for library, police or municipal office purposes to the Board of Selectmen for library, police, municipal office, recreation or senior center purposes the care, custody, management and control of said property.

And further, to determine whether this appropriation shall be raised by borrowing or otherwise.

Or to take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

Acceptance of this Article would raise and appropriate or transfer $225,000 for the design plans, specifications and other costs for a new Senior Center containing approximately 15,000 square feet of space on a 2.2 acre parcel of land known as the Sacred Heart Site.

The Finance Committee recommends approval. Vote: 7-1-1

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ARTICLE 4

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the Board of Selectmen and to authorize the Board of Selectmen to enter into a settlement agreement with Sharon Senior Living Associates, Inc. (SSLA) pursuant to which SSLA shall release all of its right, title and interest to the premises described below; and to enter into such other agreements and execute such documents, all upon such terms and conditions as the Board of Selectmen may deem appropriate to accomplish the foregoing. The "premises" consist of the following parcel of land and the buildings thereon:

> That parcel of land as shown on "Plan of lands in Sharon, Massachusetts showing lands, August 10, 1920, E. Northington, Engineer and received by the Norfolk County Registry of Deeds, August 18, 1920 and filed as Plan No. 4655, Page 96." A copy of said plan is on file with the Town Clerk.
>
> Said premises contain 161,172 square feet +/-, and consist of the entire block bounded by South Pleasant, Chestnut, South Main and Station Streets.

And further, to determine whether this appropriation shall be raised by borrowing or otherwise.

Or to take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

The settlement of this case will leave the Town free to contemplate uses of the Wilber School for municipal purposes. The cost is $540,000.00. Two legal opinions agree that this settlement would be prudent for the Town, as opposed to running a risk of litigation, given the costs, delays and uncertainty of result.

The Finance Committee recommends approval. Vote: 7-0-1

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ARTICLE 5

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the Board of Selectmen and to authorize the Board of Selectmen to engage engineers, architects, and/or consultants for the purpose of preparing feasibility studies which would include, without limitation, design plans and specifications, to include estimates of probable construction costs, for the renovation, alteration, rehabilitation or remodeling of the existing structures and the possible erection on the premises of a new building or buildings for the following sites and uses and to prepare application(s) for grant funds therefor:

(a) A feasibility study of the use of the Wilber School property, which is identified below, for town administration offices, school administration offices, and public library. The Wilber School property consists of the following parcel of land and the buildings thereon:

> That parcel of land as shown on "Plan of lands in Sharon, Massachusetts showing lands, August 10, 1920, E. Northington, Engineer and received by the Norfolk County Registry of Deeds, August 18, 1920 and filed as Plan No. 4655, Page 96." A copy of said plan is on file with the Town Clerk.
>
> Said premises contain 161,172 square feet +/-, and consist of the entire block bounded by South Pleasant, Chestnut, South Main and Station Streets.

(b) A feasibility study of the use of the Town Hall and Fire Station property, which is identified below, for a joint public safety complex, including without limitation, offices to be used by the Fire Department and Police Department. The Town Hall and Fire Station property consists of the following parcel of land and the buildings thereon:

> The parcel of land upon which is presently located the Town Hall and Fire Station, identified more particularly on Sharon Assessor's Map 91, Lot 76 and in a deed from Joel P. Hewins to the Town of Sharon dated February 20, 1883 and recorded in the Norfolk County Registry of Deeds in Book 544, at Page 339.

And further, to determine whether this appropriation shall be raised by borrowing or otherwise.

Said feasibility studies shall be undertaken in accordance with the "Guidelines for Feasibility Studies" adopted by the Sharon Standing Building Committee, as the same may be from time to time amended.

Or to take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

This article seeks $150,000 to complete a feasibility study for the Wilber School reuse, and $30,000 to begin a feasibility study for the reuse of the current Town Hall and Fire Station as a public safety complex. The reuse of the Wilber School has been proposed for Town Administration, School Administration and a new Town Library. This feasibility study would allow the Town Standing Building Committee to be able to project estimates for the cost of the renovation of the Wilber School.

The Finance Committee recommends approval. Vote: 8-0-1

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ARTICLE 6

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the Board of Selectmen as Water Commissioners or by the Board of Selectmen so that the Town may acquire by gift, purchase or eminent domain, under Massachusetts General Laws, Chapter 79, the fee in the following parcels of land or portions thereof:

> The property now or formerly owned by The Rattlesnake Corporation, shown as Lot 26 on a plan entitled "Plan of Land Mountain Street in Sharon, Mass." dated April 19, 1996, prepared by Youngquist, James & Associates, Inc., which is on file with the Sharon Town Clerk. Said parcel contains 42,842 square feet (0.98 acres), more or less.

And further, to raise and appropriate a sum of money for the costs of engineering, design, legal, consulting and/or permitting for the design and/or construction of an above-ground water storage tank, standpipe and appurtenances and/or a fire substation and other general municipal purposes related thereto.

And further to determine whether this appropriation shall be raised by taxation, by borrowing pursuant to Chapter 44, Sections 7 and/or 8 of the General Laws, by borrowing from the Massachusetts Water Pollution Abatement Trust, the State Revolving Fund, Chapter 29C of the General Laws, or otherwise, by payment out of the Water Surplus Fund through water receipts, water surplus, or betterments, as determined by the Board of Selectmen as Water Commissioners or the Board of Selectmen; and to authorize the Board of Selectmen to enter into such agreements and execute such documents as may be necessary to accomplish the foregoing.

Or to take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee recommends indefinite postponement.

Vote: 8-1-1

* * * *

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee believes that providing the School Department with $150,000 for a system-wide space needs/feasibility study that considers all Sharon schools is the best way to achieve a holistic understanding of the Town's educational needs for several years to come. We expect this study to provide the Town, the School Committee, and the School Department with a comprehensive understanding of the competing demands of the Schools, their relative urgency, and the trends that will drive School spending and policy in the years ahead.

The Finance Committee recommends approval. Vote: 9-0-1

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ARTICLE 9

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the School Committee to engage engineers, architects, and/or consultants for the purpose of preparing design plans and specifications, to include contract documents and estimates of probable construction costs, for the renovation, expansion, rehabilitation or remodeling of the existing structure at the Middle School. Said study shall include feasibility of the movement of the entire sixth grade to the Middle School and would not include providing space for the Early Childhood Program at this time. The scope of the project has been cut back and would not involve the construction of an entire new building. If approved, this project could qualify for 66.7% state funding.

And further to determine whether this appropriation shall be raised by borrowing or otherwise.

And further, to determine whether this appropriation shall take effect only if the Town votes at an election held in accordance with G.L. c. 59, § 21C(m) to exempt the debt incurred herein from the provisions of Proposition 2 ½.

Or to take any other action relative thereto.

SCHOOL COMMITTEE

FINANCE COMMITTEE RECOMMENDATION:

This article seeks $2.2 million for design plans for the purpose of renovating and expanding the existing Middle School building. The Finance Committee recommends indefinite postponement of this article by a unanimous vote. The Finance Committee is concerned with several aspects of this proposal, including the possibility that this one project, due to its scope, could preclude other necessary improvements for the other schools and other town projects for the next several years. The School Committee has concerns that changes in State funding formulas next year may reduce future reimbursements for school building projects and that fast-tracking this project would guarantee potentially higher reimbursement rates. The Finance Committee does not believe

this is sufficient reason to proceed at this time, but does unanimously approve the prior article funding a system-wide study of the school needs and feels this comprehensive approach will best serve the Town.

The Finance Committee recommends indefinite postponement.
Vote: 9-0-1

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ARTICLE 10

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the School Committee for the purchase and installation of four temporary classrooms for the 2001/2002 school year, including, but without limitation, portable classrooms and/or modular classrooms.

And further to determine whether this appropriation shall be raised by borrowing or otherwise.

And further, to determine whether this appropriation shall take effect only if the Town votes at an election held in accordance with G.L. c. 59, § 21C(m) to exempt the debt incurred herein from the provisions of Proposition 2 ½.

Or to take any other action relative thereto.

SCHOOL COMMITTEE

FINANCE COMMITTEE RECOMMENDATION:

This article seeks funding for four modular classrooms to be used by the School Department to accommodate projected increased enrollments for the 2001-2002 school year. The Finance Committee recognizes the potential need for this project, but since it is not an emergency request, prefers to have this request follow the regular process and be examined within the context of all Town capital requests. This process would allow this request to be examined for the May Town Meeting and voted upon at that time.

The Finance Committee recommends indefinite postponement.
Vote: 8-1-1

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ARTICLE 11

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the School Committee and to authorize the School Committee to engage engineers, architects, and/or consultants for the purpose of preparing design plans and specifications, to include contract documents and estimates of probable construction costs, for design of a replacement septic system at the East Elementary School and for the construction of the first of two phases of said septic system.

And further, to determine whether this appropriation shall be raised by borrowing or otherwise.

Or to take any other action relative thereto.

SCHOOL COMMITTEE

FINANCE COMMITTEE RECOMMENDATION:

Acceptance of this Article would raise and appropriate or transfer $165,000 to engage engineers, architects and/or consultants for the purpose of design and construction of the first of two phases of a new septic system for the East Elementary School.

The Finance Committee recommends approval. Vote: 9-0-1

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ARTICLE 12

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to supplement the Fire Department's budget as voted under Article 5 of the May 8, 2000 Annual Town Meeting.

Or to take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee recommends indefinite postponement for this article. We are not questioning the need for this money, but we feel that this should be funded through the Reserve Fund. The Reserve Fund is designed to cover costs that are unforeseen. If this money were funded with free cash, it would probably have a negative impact on future operating budgets which are already very tight. Since the Reserve Fund does not have a direct impact on future budgets, the Finance Committee recommends funding this request through the use of a Reserve Fund transfer.

The Finance Committee recommends indefinite postponement.

Vote: 7-0-2

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ARTICLE 13

To see of the Town will vote to raise and appropriate a sum of money to authorize the Board of Selectmen, acting as the Board of Water Commissioners, to acquire by gift, purchase, or eminent domain, under Massachusetts General Laws, Chapter 79, in the name of the Town the

following parcels of land, or portions thereof:

1) The property known as 54 South Walpole Street, containing 3 acres, more or less, more particularly described in a deed from Robert S. Steinert to Lucy P.C. Steinert and Cornelia A. Steinert, dated January 16, 1995 and recorded in the Norfolk County Registry of Deeds in Book 10800, at Page 528;

2) The property known as 65 South Walpole Street, containing 19.3 acres, more or less, more particularly described as "First Parcel" in a deed from Amory Goddard to Elizabeth A. Goddard, dated December 10, 1983 and recorded in the Norfolk County Registry of Deeds in Book 6313, at Page 88; and

3) The property known as 62 South Walpole Street, containing 4 acres, more or less, more particularly described in a deed from Jane Goddard Steinert to Frederick D. Ballou & Peter B. Loring, trustee of the Goddard Title Trust, dated August 18, 1992 and recorded in the Norfolk County Registry of Deeds in Book 9654, at Page 199;

4) The property known as 100 South Walpole Street, containing 4 acres, more or less, more particularly described in a deed from Jane Goddard Steinert to Elizabeth Afong Goddard, dated May 11, 1989, and recorded in the Norfolk County Registry of Deeds in Book 8320, at Page 308.

Or as the same may be more particularly described, and to determine whether this appropriation shall be raised by borrowing or otherwise; and to authorize the Board of Selectmen to enter into such agreements and execute such documents as may be necessary to accomplish the foregoing.

This property is to be acquired for water supply protection pursuant to an aquifer land acquisition grant agreement from the Commonwealth of Massachusetts Department of Environmental Protection.

Or to take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

Acceptance of this article would authorize the Board of Selectmen in their capacity as Water Commissioners to acquire a parcel of land along South Walpole Street for water supply protection. At Town Meeting in May, a similar article was approved by the Town. However, the deadline for a grant providing proceeds in the amount of $340,000 to be used toward the purchase of this property expired. We understand that delays in the purchase may have been associated with "estate tax complications" by the seller. An extension of that grant has recently been received and it is conditional upon the Town agreeing to acquire the property within 90 days of Town Meeting approval. This article also includes the option of acquiring the property through eminent domain.

The Finance Committee recommends approval. Vote: 9-0-1

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ARTICLE 14

To see if the Town will vote to amend Section 4342 of the Zoning By-laws of the Town, Other Requirements for Multifamily Development, by deleting subsection (e) in its entirety and adding in its place the following new subsection (e):

(e) There shall be no more than two (2) floors of habitable space within a dwelling unit, provided, however, the number of habitable floors may be increased to allow a third floor of habitable space if each of the following conditions are met:

(i) The third floor of habitable space shall be used only for a den, office, exercise room, hobby room, library, storage room, or other similar use;

(ii) No more than two (2) rooms in the dwelling unit, including the third floor of habitable space, shall be used as bedrooms. For purpose(s) of this section, use of a room for a majority of the days in any six (6) month period for sleeping accommodations shall constitute the use of such rooms as a bedroom;

(iii) The unit owner and the Homeowners' Association, if any, shall enter into a written agreement as provided below in subsection (vi) hereof. Said Agreement shall permit the Association, if any, and the Building Inspector to enter the dwelling unit to monitor compliance with the provisions of this section as a condition for allowing the continued maintenance and use of said third floor of habitable space. Said Agreement shall be enforceable by the Building Inspector and/or the Homeowners' Association;

(iv) The Building Inspector shall not permit the use of said third floor of habitable space without proof that said agreement has been recorded at the Registry of Deeds;

(v) The unit owner and all subsequent unit owners shall provide in any subsequent deed or other conveyance of the dwelling unit notice of the provisions of this section;

(vi) The Planning Board, following a public hearing, shall adopt the form of an agreement suitable for filing at the Registry of Deeds setting forth the requirements of this by-law for execution by each homeowner and the specified Homeowners' Association seeking to make use of this by-law. Said agreement must contain a requirement that the aforesaid unit owner shall deliver a Registry Certified copy of the fully executed duly recorded agreement to the Building Inspector and the Condominium Association certifying under penalties of perjury as to conformity with Section 4342(e).

Or to take any other action relative thereto.

PLANNING BOARD

FINANCE COMMITTEE RECOMMENDATION:

Acceptance of this Article ratifies action taken at last May's Town Meeting. The zoning change favorably voted at that Town Meeting was rejected by the Massachusetts Attorney General's Office due to a procedural defect relating to public notice.

This Article deals with the MacIntosh Farm property. This Article is of dubious effect, but of good intent. Town Counsel has ruled that this Article does not change the terms of the original special permit granted to the MacIntosh Farm development. As a result, even an affirmative vote on this will not bind the Board of Appeals to approve the third floor expansion described in the Article. However, it is hope that a strong approval vote on the Article will send a message to the Board of Appeals that the public approves of this limited expanded third floor expansion within MacIntosh Farms.

The Finance Committee recommends approval. Vote: 5-3-1

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ARTICLE 15

To see if the Town will vote to amend the existing Zoning Map of the Town of Sharon as follows:

By removing the following from a General Residence District and establishing the same as a Business District "A":

The parcel of land upon which is presently located the Town Hall and Fire Station, identified more particularly on Sharon Assessor's Map 91, Lot 76 and in a deed from Joel P. Hewins to the Town of Sharon dated February 20, 1883 and recorded in the Norfolk County Registry of Deeds in Book 544, at Page 339.

Or to take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

Acceptance of this Article ratifies action taken at last May's Town Meeting. The zoning change favorably voted at that Town Meeting was rejected by the Massachusetts Attorney General's Office due to a procedural defect relating to public notice.

The Finance Committee recommends approval. Vote: 9-0-1

****

ARTICLE 16

To see if the Town will vote to amend Section 6330 of the Zoning By-Laws of the Town, Site Plan approval in Business A & C Districts, by adding the words "reconstruction" to the by-laws so that revised Section 6330 shall read as follows:

Projects Requiring Low Impact Site Plan Approval: Unless a site plan has been endorsed by the Planning Board, no building permit shall be issued in the Business A or the Business C District for:

a. The construction, reconstruction, addition, exterior alteration, or change in use of any structure, other than a single or two-family dwelling, for uses permitted by right or by special permit as identified in Section 2323, or

b. The construction, reconstruction, addition, exterior alteration, or change in use of any structure for uses permitted by special permit as identified in Section 2326.

The Planning Board will establish a two-tier review process. In the opinion of the Planning Board, projects which meet a checklist of criteria adopted by the Planning Board in its rules and regulations as part of the "Design Guidelines for Town Center Business District" shall be approved within 21 days and referred to the Building Department. In the opinion of the Planning Board, projects which do not meet this checklist will be reviewed and a decision filed within 45 days of the determination that further review is required. Such guidelines may be adopted and/or amended from time to time by the Planning Board and are incorporated in this By-Law by reference. Any project including new construction, reconstruction, addition, exterior alteration or change in use that requires 20 or more parking spaces on one lot or in one shared parking area shall be subject to the extended review process as set forth above and in Section 6334. Any project including new construction, reconstruction, addition, exterior alteration or change in use that requires less than 20 parking spaces on one lot or in one shared parking area shall be subject only to the 21-day review process.

Any alteration or improvements generated in compliance with the Americans with Disabilities Act shall be exempt.

Or to take any other action relative thereto.

PLANNING BOARD

FINANCE COMMITTEE RECOMMENDATION:

Acceptance of this Article ratifies action taken at last May's Town Meeting. The zoning change favorably voted at that Town Meeting was rejected by the Massachusetts Attorney General's Office due to a procedural defect relating to public notice.

The Finance Committee recommends approval. Vote: 9-0-1

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ARTICLE 17

To see if the Town will vote to amend the definition of "Natural Vegetation Area" in Article V of the Zoning By-laws of the Town, Definitions, by adding the following words: " and no underground piped irrigation systems allowed" so that the definition for "Natural Vegetation Area" will now read in its entirety:

> Land having a well established cover of thatch, mulch or leaves characterized by a prevalence of native plants requiring minimal use of fertilizers, herbicides or pesticides and no underground piped irrigation systems allowed.
>
> Or to take any other action relative thereto.

PLANNING BOARD

FINANCE COMMITTEE RECOMMENDATION:

Acceptance of this Article ratifies action taken at last May's Town Meeting. The zoning change favorably voted at that Town Meeting was rejected by the Massachusetts Attorney General's Office due to a procedural defect relating to public notice.

The Finance Committee recommends approval. Vote: 8-1-1

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ARTICLE 18

To see if the Town will vote to amend Section 2400 of the Zoning By-laws of the Town, Dimensional Regulations, by amending Section 2423, Coverage Limits in Rural and Suburban 2 Districts, by changing the amount of minimum natural vegetation area from forty (40%) percent to fifty (50%) percent, so that the amended third sentence of Section 2423 shall read as follows:

> **2423. Coverage Limits:**
>
> Maximum lot coverage: fifteen (15%) percent.
>
> Maximum area of impervious materials including structures: fifteen (15%) percent.
>
> Minimum natural vegetation area: fifty (50%) percent.
>
> Or to take any other action relative thereto.

PLANNING BOARD

FINANCE COMMITTEE RECOMMENDATION:

Acceptance of this Article ratifies action taken at last May's Town Meeting. The zoning change favorably voted at the Town Meeting was rejected by the Massachusetts Attorney General's Office due to a procedural defect relating to public notice.

The Finance Committee recommends approval. Vote: 7-2-1

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ARTICLE 19

To see if the Town will vote to amend Section 2465 of the Zoning By-laws of the Town, Maximum Building Height in Business and Professional Districts, by deleting the existing section in its entirety and substituting therefor the following:

(a) Residential uses and all uses in the Professional District: to exceed neither three (3) stories nor forty (40') feet;

(b) All uses allowed in a Business District A: to exceed neither three (3) stories nor forty-two (42') feet;

(c) Other uses: to exceed neither four (4) stories nor sixty (60') feet.

Or to take any other action relative thereto.

PLANNING BOARD

FINANCE COMMITTEE RECOMMENDATION:

Acceptance of this Article ratifies action taken at last May's Town Meeting. The zoning change favorably voted at that Town Meeting was rejected by the Massachusetts Attorney General's Office due to a procedural defect relating to public notice.

The Finance Committee recommends approval. Vote: 5-4-1

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ARTICLE 20

To see if the Town will vote to amend Section 2400 of the Zoning By-laws of the Town, Dimensional Regulations, by adding a new Section 2415, Driveways, as follows:

2415. Driveways. All driveways shall be constructed to provide adequate access for all emergency vehicles as determined by the Town Engineer and Fire Chief. Driveways shall not exceed a grade of ten (10%) percent unless either a special waiver or a service disclaimer is obtained from the Fire Chief.

Or to take any other action relative thereto.

PLANNING BOARD

FINANCE COMMITTEE RECOMMENDATION:

Acceptance of this Article ratifies action taken at last May's Town Meeting. The zoning change favorably voted at that Town Meeting was rejected by the Massachusetts Attorney General's Office due to a procedural defect relating to public notice.

The Finance Committee recommends approval. Vote: 9-0-1

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ARTICLE 21

To see if the Town will vote to amend the Zoning By-Laws of the Town by adopting the following new Section 4700 under Article IV, Special Regulations, entitled "Natural Gas Custody Transfer Facilities" which shall read as follows:

4700. NATURAL GAS CUSTODY TRANSFER FACILITIES.

4710. Purpose.

The purpose of this regulation is to permit the construction and operation of natural gas custody transfer facilities in the Town of Sharon while minimizing their adverse impact on adjacent properties and residential neighborhoods and limiting the number of such facilities to those which are essential. For the purpose of these by-laws, "natural gas custody transfer facility" shall mean a gate station at which natural gas will be received and reduced in pressure for transfer and introduction into the service system.

4720. General Requirements.

No natural gas custody transfer facility shall be constructed or operated except in compliance with the provisions of this section. In all cases, a Special Permit is required from the Zoning Board of Appeals. Any proposed material adjustment or renovation of the facility shall be subject to a new application for a Special Permit.

4730. Application Process.

All applications for a Special Permit for a natural gas custody transfer facilities shall be made and filed on the appropriate form in compliance with the rules and regulations of the Sharon Zoning Board of Appeals. In addition, each applicant must submit the following information as part of its application:

1. A locus plan at a scale of [1" = 100'] which depicts all property lines, precise locations of proposed structure(s), streets, landscape features, and residential dwellings and buildings, which are within a five hundred (500) foot radius of the proposed facility. The plan shall also identify all abutters to the property as shown on the most recent town assessors map; and

2. Engineer's certification that the proposed facility complies with all applicable federal and state standards regulating such facilities.

4740. Special Permit Review.

Applications for a Special Permit for a natural gas custody transfer facility shall be reviewed in accordance with the procedures under Section 6310 of these Zoning By-laws. In addition, every applicant must demonstrate that the proposed natural gas transfer facility provides adequate

safeguards to protect the public, control noise and other emissions, and complies with the applicable building height limitations contained in Section 2400 et. seq. of these By-laws.

And to see if the Town will vote to amend the Zoning By-Laws of the Town to allow Natural Gas Custody Transfer Facilities in all zoning districts by Special Permit, by adopting the following new sections under Article II, District Regulations, which shall read as follows:

2315(c)(4): Natural gas custody transfer facilities or gate stations as provided in Section 4700.

2326(k): Natural gas custody transfer facilities or gate stations as provided in Section 4700.

2334(f): Natural gas custody transfer facilities or gate stations as provided in Section 4700.

2343: Uses Allowed by Special Permit:

(a) Natural gas custody transfer facilities or gate stations as provided in Section 4700.

Or to take any other action relative thereto.

PLANNING BOARD

FINANCE COMMITTEE RECOMMENDATION:

Acceptance of this Article ratifies action taken at last May's Town Meeting. The zoning change favorably voted at that Town Meeting was rejected by the Massachusetts Attorney General's Office due to a procedural defect relating to public notice.

The Finance Committee recommends approval. Vote: 7-1-2

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ARTICLE 22

To see if the Town will vote to amend Section 3400 of the Zoning By-laws of the Town, Development Scheduling, by adding the following new provisions to Section 3430, Rate:

One Hundred (100) new building permits allowed in any given two (2) year period. If approvals exceed fifty (50) units in one year, the Building Inspector will allow a maximum of twenty-four (24) lots released from any subdivision in a given calendar year. Exceptions: Low income housing and rebuilding of destroyed homes.

And by deleting the following sections in their entirety: Section 3431, Moderate Building, Section 3432, Rapid Building, and Section 3433, Extremely Rapid Building.

Or to take any other action relative thereto.

PLANNING BOARD

FINANCE COMMITTEE RECOMMENDATION:

Acceptance of this Article ratifies action taken at last May's Town Meeting. The zoning change favorably voted at that Town Meeting was rejected by the Massachusetts Attorney General's Office due to a procedural defect relating to public notice.

The Finance Committee recommends approval. Vote: 8-1-1

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ARTICLE 23

To see if the Town will vote to transfer from the Board of Selectmen for landfill purposes to the Board of Selectmen for recreational purposes the care, custody, management and control of a parcel of land located on Mountain Street known as the Mountain Street Landfill, more particularly described as follows:

PARCEL 1. The land marked "Frances R. Hudson Land - 24 acres, more or less - Assessors Plan 55R-14" on "Plan of Land in Sharon, Norfolk County, Massachusetts," dated December 1, 1965, by Walter L. Reeve," subject, however, to a twelve (12) foot right-of-way leading northerly from the end of Whipporwill Road, so-called, and excluding the land marked "George T. Jackson" and the land marked "Henry Thomas."

PARCEL 2. The land marked "Area of this Parcel 5.3 acres, more or less" on the plan above mentioned, subject, however, to a twenty (20) foot right-of-way shown as Whipporwill Road, and excluding the land marked "Carl L. Thomas" and the land marked "George T. Jackson."

The aforesaid being the land acquired by the Town by Order of Taking dated April 20, 1967, recorded with the Norfolk County Registry of Deeds on May 5, 1967.

Or to take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

As most residents are aware, the Town has encountered difficulty in reaching consensus on which additional sites in Sharon are suitable to satisfy the Town's growing recreational needs. Currently, the Mountain Street landfill site can only be utilized for landfill purposes. However, the Mountain Street landfill is capped and is no longer being utilized as a landfill. Approval of this Article will allow the Board of Selectmen to pursue a change in the use of the site from a landfill use to a recreational use, thereby providing the Board of Selectmen with an additional option as the Board moves forward in overseeing the

Town's recreational needs. It is important to note that approval of this Article does not automatically mean that the site will be used for recreational purposes. Rather, before any recreational use (e.g. ballfields) will be permitted on the site, the Town will need to obtain, among other approvals, the appropriate environmental permits from the State, and the Board of Selectmen will, in all likelihood, need to hold public hearings on the specific recreational use proposed for the site.

The Finance Committee recommends approval. Vote: 7-0-2

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ARTICLE 24

To see if the Town will vote to authorize a revolving fund to be known as the Parking Lot Fund in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 53E ½.

The purpose of the fund is to provide and pay for the maintenance, repair, improvement, monitoring, and operation, including payment for public liability coverage for municipal parking lots within the Town that are subject to the control of the Board of Selectmen, including, but not limited to the parking lot located on Pond Street which was accepted at Special Town Meeting on June 21, 1978 by gift of the Sharon Civic Foundation, and/or to purchase or lease additional parking lots, and in general for any traffic control or traffic safety purposes. Receipts to be deposited to this fund shall be solely derived from the receipt of parking fees and charges. The Board of Selectmen shall be authorized to administer and expend from this fund.

Expenditures in Fiscal Year 2001 shall not exceed the balance to be deposited in the fund during FY 2001 and in any event shall not exceed fifty thousand ($50,000.00) dollars.

Or to take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

Acceptance of this article will create a revolving fund for town parking lots under the control of the Board of Selectmen. The emphasis of the article is to service high school student parking. Parking for high school student use would be situated between Ames and Cottage Streets, at the new location of Temple Young Israel currently occupied as Temple Sinai. A total of 70 spaces would be available at a yet to be determined fee expected to be between $200 and $280 per year. The money from this revolving account would be used to monitor the High School parking lots. Receipts into this account could also be used by the Board of Selectman to purchase and/or lease other parking facilities and to provide traffic control.

The Finance Committee recommends approval. Vote: 7-0-2

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ARTICLE 25

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to authorize the Board of Selectmen to cause to be placed on the official ballot used in Sharon by the registered voters for the election of officers at an annual town meeting the following question: "Shall the Board of Selectmen be authorized to grant licenses to restaurants and function rooms having a seating capacity of not less than 50 persons for the sale therein of wines and malt beverages (wines and beer, ale, and all other malt beverages)," and further to take such other actions in connection with said petition as said Board may deem necessary and appropriate.

Or to take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

Voters have approved the Town issuing an all alcohol liquor license to restaurants having a minimum of 50 seats. The State's Alcohol Beverages Control Commission (ABCC), which oversees all liquor licenses, has ruled that all "all alcohol" does not include beer and wine, only. Surprising news to many, acceptance of this article would allow the Board of Selectman to issue liquor licenses to restaurants for either "all alcoholic" beverages or only for "beer and wine."

The Finance Committee recommends approval. Vote: 8-0-1

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ARTICLE 26

To see if the Town will vote to amend the Scenic Roads Section of the General By-laws of the Town so as to include Morse Street in the list of scenic roads designated by the Town in accordance with the provisions of Section 15C of Chapter 40 of the General Laws.

Or to take any other action relative thereto.

PLANNING BOARD

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee believes that the natural characteristics of Morse Street, i.e. its natural tree canape cover, its stone walls and it natural meandering characteristics were reminiscent of the Town's past and should be preserved for posterity.

The Finance Committee recommends approval. Vote: 7-1-1

The Finance Committee recommends approval. Vote: 7-1-1

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ARTICLE 27

To see if the Town will vote to authorize the Board of Selectmen to accept, on behalf of the Town, a gift of easement from Harry M. Berg and Ruth A. Berg over a private way known as Van Norden Road, in the form on file with the Town Clerk. The easement is shown on a plan entitled "Subdivision Plan of Land in Sharon, Mass." by Norwood Engineering Co., Inc. dated February 7, 1985 recorded in the Norfolk Registry of Deeds as Plan No. 683 of 1985 in Plan Book 323. This easement is to be acquired in order to provide emergency access to the Mink Trap Estates subdivision, as required by the Planning Board,

Or to take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

This is for a second access easement to a pre-approved land subdivision, "Mink Trap Estates". In order for an easement to be received by the Town, the Town Meeting must vote to accept the easement.

The Finance Committee recommends approval. Vote: 7-0-1

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And you are directed to serve this Warrant by posting attested copies of the same in accordance with the Town By-Laws.

Hereof fail not, and make due return of this Warrant with your doings thereon, at the time and place of meeting aforesaid.

Give under our hands this 12th day of October, A.D., 2000.

NORMAN KATZ, CHAIR

WALTER JOE ROACH

ALLEN M. GARF
BOARD OF SELECTMEN

SHARON, MASSACHUSETTS

A True Copy: JOSEPH S. BERNSTEIN, Constable
Sharon, Massachusetts
Date: October 13, 2000

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24. Parking Lot - New Revolving Fund - H.S. Student Parking 29

25. Beer & Wine License (only) with minimum of 50 seats 30

26. Add to Scenic Roads List - Morse Street 30

27. Accept easement Mink Trap Estates - Van Norden Road 31

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